



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue

Portland, Oregon 97232-4181

APR 21 2000

Diane Gale, Director
City of Seattle
Seattle Public Utilities
710 2nd Avenue
Seattle, Washington 98104

Dear Ms. Gale:

Enclosed is the City of Seattle's Endangered Species Act permit TE020907-0 which authorizes incidental take of the bald eagle, bull trout, Canada lynx, gray wolf, grizzly bear, northern spotted owl, and the marbled murrelet on the Cedar River Municipal Watershed located in King County, Washington. The authorization granted by this permit is subject to compliance with, and implementation of your Habitat Conservation Plan and the Implementation Agreement executed by the City of Seattle and the Fish and Wildlife Service.

Thank you for helping to conserve endangered and threatened species. Please direct any questions that you may have concerning your permit to the Field Office Supervisor, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Dr. SE, Suite 102, Lacey, Washington 98503; telephone: (360) 753-9440.

Sincerely,

Deputy Regional Director

Enclosure

Table 1. Covered species included in City of Seattle's Cedar River Watershed Habitat Conservation Plan.

Listed species**Birds:**

- *Bald Eagle, *Haliaeetus leucocephalus*
- *Marbled Murrelet, *Brachyramphus marmoratus*
- *Northern Spotted Owl, *Strix occidentalis caurina*

Mammals:

- *Canada Lynx, *Lynx canadensis*
- **Gray Wolf, *Canis lupus*
- *Grizzly Bear, *Ursus arctos*

Unlisted Species**Birds:**

- Band-tailed Pigeon, *Columba fasciata*
- Black Swift, *Cypseloides niger*
- Brown Creeper, *Certhia americana*
- Common Loon, *Gavia immer*
- Golden Eagle, *Aquila chrysaetos*
- Great Blue Heron, *Ardea herodias*
- Harlequin Duck, *Histrionicus histrionicus*
- Merlin, *Falco columbarius*
- Northern Goshawk, *Accipiter gentilis*
- Olive-sided Flycatcher, *Contopus borealis*
- Osprey, *Pandion haliaetus*
- Peregrine Falcon, *Falco peregrinus*
- Pileated Woodpecker, *Dryocopus pileatus*
- Rufous Hummingbird, *Selasphorus rufus*
- Three-toed Woodpecker, *Picoides tridactylus*
- Vaux's Swift, *Chaetura vauxi*
- Western Bluebird, *Sialia mexicana*
- Willow Flycatcher, *Empidonax traillii*

Fish:

- Pacific Lamprey, *Eurostomus tridentatus*
- Pygmy Whitefish, *Prosopium coulteri*
- River Lamprey, *Lampetra ayresii*

Amphibians and Reptiles:

- Cascades Frog, *Rana cascadae*
- Cascade Torrent Salamander, *Rhyacotriton cascadae*
- Larch Mountain Salamander, *Plethodon larselli*
- Long-toed Salamander, *Ambystoma macrodactylum*
- Northwestern Salamander, *Ambystoma gracile*
- Pacific Giant Salamander, *Dicamptodon tenebrosus*
- Northern Red-legged Frog, *Rana aurora aurora*
- Roughskin Newt, *Taricha granulosa*
- Oregon Spotted Frog, *Rana pretiosa*
- Tailed Frog, *Ascaphus truei*
- Van Dyke's Salamander, *Plethodon vandykei*
- Northwestern Pond Turtle, *Clemmys marmorata*
- Western Redback Salamander, *Plethodon vehiculum*
- Western Toad, *Bufo boreas*

Fish:

- *Bull Trout, *Salvelinus confluentus*

Mammals:

- Big Brown Bat, *Eptesicus fuscus*
- California Myotis, *Myotis californicus*
- Pacific Fisher, *Martes pennanti pacifica*
- Fringed Myotis, *Myotis thysanodes*
- Hoary Bat, *Lasiurus cinereus*
- Keen's Myotis, *Myotis keenii*
- Little Brown Myotis, *Myotis lucifugus*
- Long-eared Myotis, *Myotis evotis*
- Long-legged Myotis, *Myotis volans*
- American Marten, *Martes americana*
- Masked Shrew, *Sorex cinereus*
- Northern Water Shrew, *Sorex palustris*
- Silver-haired Bat, *Lasiurus noctivagus*
- Western (Townsend's) Big-eared Bat, *Corynorhinus townsendii townsendii*
- Wolverine, *Gulo gulo*
- Yuma Myotis, *Myotis yumanensis*

Invertebrates:

- Aquatic Snail, *Valvata mergellina*
- Beller's Ground Beetle, *Agonum belleri*
- Blue-gray Taildropper, *Prophysaon coeruleum*
- Carabid Beetle, *Bembidion gordonii*
- Carabid Beetle, *Bembidion stillaguamish*
- Carabid Beetle, *Bembidion viator*
- Carabid Beetle, *Bradycellus fenderi*
- Carabid Beetle, *Nebria gebleri cascadenis*
- Carabid Beetle, *Nebria kincaidii balli*
- Carabid Beetle, *Nebria paradisi*
- Carabid Beetle, *Omus dejeanii*
- Carabid Beetle, *Pterostichus johnsoni*
- Fender's Soliperlan Stonefly, *Soliperla fenderi*
- Hatch's Click Beetle, *Eamus hatchii*
- Johnson's (mistletoe) Hairstreak, *Mitoura johnsoni*
- Long-horned Leaf Beetle, *Donacia idola*
- Oregon Megomphix, *Megomphix hemphilla*
- Papillose Taildropper, *Prophysaon dubium*
- Puget Oregonian, *Cryptomastix devia*

**Endangered

*Threatened

- L. Reporting requirements: Permittee shall submit compliance reports to the Service's Western Washington Fish and Wildlife Office as per section 4.5.1 of the HCP (HCP Activities Compliance Reports, Appendix 30), or as amended by mutual consent of the Service and City.
- M. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office (Portland Regional Office) within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.
- N. This permit will not cover activities that may affect any site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places until completion of any procedural steps that may be required under section 106 of the National Historic Preservation Act with regard to that activity.

U.S. Fish and Wildlife Service, Portland, Oregon
Special Terms and Conditions for Permit TE020907-0

- E.** The authorization granted by this permit is subject to compliance with, and implementation of, the City of Seattle's Habitat Conservation Plan (HCP), and Implementation Agreement (IA), executed by the Permittee, the U.S. Fish and Wildlife Service (Service) and the National Marine Fisheries Service. This permit, and the HCP and IA are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting permitted activities.
- F.** Permittee, and its authorized officers, employees, contractors, and agents are authorized to incidentally take only the Covered Species listed in Table 1 (attached) in the course of otherwise lawful covered activities in accordance with the terms and conditions of the HCP, IA, and as conditioned herein.
- G.** Migratory Birds other than Bald Eagle. This section 10(a) permit also constitutes a Special Purpose Permit under 50 CFR 21.27 for the take of those Covered Species subject to incidental take which are listed as threatened or endangered under the Endangered Species Act of 1973 as amended, and which are also protected by the Migratory Bird Treaty Act, except for the Bald Eagle. Such Special Purpose Permit shall be valid for a period of 3 years from the effective date, provided the section 10(a) permit remains in effect for such period. Such Special Use Permit shall be renewed, provided that the City of Seattle continues to fulfill its obligations under this agreement. Each such renewal shall be valid for the maximum period of time allowed by 50 CFR 21.27 or its successor at the time of renewal.
- H.** Permittee shall notify the Service of new locations of permit species that are discovered within the area covered by the HCP, including, but not limited to, locations of goshawks, gray wolves, grizzly bears, northern spotted owls, marbled murrelets, Pacific fishers, peregrine falcons and wolverines.
- I.** Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, Permittee shall, within 3 working days, notify the Service's Western Washington Fish and Wildlife Office, Lacey, Washington (tel: 360-753-9440). Instructions for proper handling and disposition of such specimens will be issued at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state.
- J.** Permittee shall refer to permit number TE020907-0 in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the Field Office Supervisor, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, Lacey, Washington (tel: 360-753-9440).
- K.** All applicable provisions of this permit must be presented and clearly explained to all authorized officers, employees, contractors, or agents of Permittee conducting authorized activities.



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

CITY OF SEATTLE
SEATTLE PUBLIC UTILITIES
710 2ND AVENUE
SEATTLE, WA 98104

2. AUTHORITY-STATUTES

16 USC 1539 (a)(1)(A)
16 USC 703-712

REGULATIONS (Attached)

50 CFR 13
50 CFR 17.22 & 17.32
50 CFR 21.27

3. NUMBER

TE020907-0

4. RENEWABLE

☒ YES
☐ NO

5. MAY COPY

☒ YES
☐ NO

6. EFFECTIVE

4/21/2000

7. EXPIRES

4/20/2050

8. NAME AND TITLE OF PRINCIPAL OFFICER (if not a business)

DIANA GALE
DIRECTOR

9. TYPE OF PERMIT

Incidental Take of Threatened and
Endangered Species, Migratory Bird

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Locations as described in sections 3.2 and 3.3 of the Implementation Agreement (IA) including the Cedar River
Municipal Watershed, which encompasses approximately 90,546 acres in east King County, Washington.

11. CONDITIONS AND AUTHORIZATIONS

In the event of conflict between these general provisions & the provisions
of the IA, the language of the IA shall govern.

A. General conditions set out in subpart D of 50 CFR 13, and specific
conditions contained in federal regulations cited in Block #2 above, are
hereby made a part of this permit. All activities authorized herein
must be carried out in accord with and for the purposes described in the
application submitted. Continued validity, or renewal of this permit is
subject to complete and timely compliance with all applicable conditions,
including the filing of all required information and reports.

B. The validity of this permit is also conditions upon strict observance
of all applicable foreign, state, local or other federal law.

C. Valid for use by permittee named above and its authorized officers,
employees, contractors, and agents.

D. Further conditions of authorization are contained in the attached
Special Terms and Conditions.

☐ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

See condition L

ISSUED BY

TITLE

Deputy Regional Director

DATE

4/21/2000